

Ethical and legal issues in medical practice


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Main ethical principles

- Autonomy : The right of the competent patient to agree or not about a treatment .
- Beneficence : The actions taken by a medical professional that are considered to be in the best interest of patients .
- Non-maleficence : "first do no harm" it is better to do no harm to the patients than doing them good (risk/benefit ratio) .





Double effect : Positive effect of a treatment may also cause harm at the same time .



Informed consent :
A form presented to the patient or the family if patient is unable to sign , signing it indicates that permission is given to go ahead and knowing the risks .



- Confidentiality :protection of the patient privacy. Without patient's permission doctors can't discuss his/her condition with any body . Some exceptions such as HIV, underage abortions , epilepsy, gunshot wounds .
- Telling the truth : The patient has the right to know what is wrong with him/her .



- Conflict of interest : Common ethical issue. Difficult to draw a line between what is acceptable ethically and what is not.
- Sexual relationship : With patient or a family member is unethical and may lead to loss of license.
- Medical futility (non-beneficial care, terminal illness) difficult ethical issue. .



- Reproductive medicine : Where one draw the line on who gets how many children .
- Religious beliefs : abortion , stem cell research .




Malpractice

- Improper, unskilled, or negligent treatment of a patient by a physician , dentist , pharmacist , or other health care professional .
- Malpractice liability claims, common in some countries
- About 60% of liability claims against doctors are dropped, withdrawn or dismissed without payment .
- Physicians are found not negligent in over 90% of cases that go to trial .
- About 10% Of the medical costs in USA is linked to malpractice lawsuits an more intensive diagnostic testing due to defensive medicine .



Elements of malpractice case

 The plaintiff must establish all four elements for a successful malpractice claim .

1 – A duty was owed.

2 – A duty was breached.

3 – The breach caused injury.

4 – Damages .



Testamentary capacity

- It refers to the capacity a write a valid will , if a person makes a will while suffering from mental disorder , the validity of the will may be challenged.
- To decide whether or not a testator is of sound disposing mind, the doctor should use four legal criteria :
 - 1 – The testator understands what a will is and its consequences are .
 - 2 – Knows the nature and extent of his/her property .
 - 3 – Knows the names of relatives and their claims .
 - 4 – Free of abnormal state of mind that affect judgment relevant to making a will .



Fitness to plead


- Most laws require that the defendant must be in a fit condition to defend himself , the issue may be raised by the defense, the prosecution or the judge .
- To determine fitness to stand trial , it is necessary to determine how far the defendant can :



- Understand the nature of the charge .
- Understand the difference between pleading guilty and not guilty .
- Instruct counsel .
- Challenge jurors .
- Follow the evidence presented in court .



Criminal responsibility

 Before anyone can be convicted of a crime the prosecution must prove :

- That the defender carried an unlawful act (actus reus).
- That the defendant had a certain guilty intention at the time of committing the crime (mens rea)





THANK YOU

